
Exhibit 9-B Local Agency DBE Annual Submittal Form

TO: CALTRANS DISTRICT 3
District Local Assistance Engineer

The Information for Exhibit 9-B presented herein is in accordance with Title 49 of the Code of Federal Regulations (CFR), Part 26, and the State of California Department of Transportation (Caltrans) Disadvantaged Business Enterprise (DBE) Program Plan.

The City/County/Region of **Placer County Public Works** submits our annual 9-B information for the **Federal Fiscal Year 2022/2023**, beginning on **October 1, 2022** and ending on **September 30, 2023**.

Disadvantaged Business Enterprise Liaison Officer (DBELO)

Lori Perron, Staff Services Analyst II
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(530)745-7544 FAX
laperron@placer.ca.gov

Planned Race-neutral Measures

The following information details the race-neutral measures the County plans to implement for the upcoming Federal Fiscal Year per 49 CFR Part 26.51 and Section V of the Caltrans DBE Program Implementation Agreement for Local Agencies.

- Assignment of a department DBELO implementing and facilitating all requirements of the DBE program including data collection, pre-bid meetings, participation in instructional programs, creating and updating the DBE website.
- Placer County has designed and implemented a DBE website developed to provide useful information; instructions for required forms and reports; links to important announcements and activities and certification resources.
- Pre-Bid and Pre-Proposal meetings have been initiated with primes, DBEs, and small businesses to review the requirements of the program and assist with the bidding process.
- Staff participates in educational and instructional programs focused on DBE training including DBE outreach and communication.

Prompt Pay

49 CFR 26.29(b) requires one of three methods be used in federal-aid contracts to ensure prompt and full payment of any retainage kept by the prime contractor or subcontractor to a subcontractor.

Attached is a listing of the three methods. On the attachment, please designate which prompt payment provision the Local Agency will use.

Prompt Pay Enforcement Mechanism

49 CFR Part 26.29(d) requires providing appropriate means to enforce prompt payment. These means may include appropriate penalties for failure to comply with the terms and conditions of the contract. The means may also provide that any delay or postponement of payment among the parties may take place only for good cause with the local agency's prior written approval.

- Construction management personnel are on site on a regular basis monitoring the activities and certifying contractor compliance with all regulations.
- County administrative staff is monitoring and tracking contract payments and certified payroll through construction management consultants and in-house personnel to validate prime contractor's proof of prompt payment to all subcontractors.
- Create and maintain a Bidders List consisting of information collected on DBE and Non-DBE contractors bidding on DOT –Assisted contracts/agreements for Placer County Public Works.

Ken Dahm

(Signature)

5/31/2022

Date

Ken Grehm, Director of Public Works

(Print Name and Title)

ADMINISTERING AGENCY

(Authorized Governing Body Representative)

(530) 745-7588

Phone Number

(Signature of Caltrans District Local Assistance Engineer [DLAE])

Date

DISTRIBUTION: (1) Original - DLAE

(2) Signed copy by the DLAE – Local Agency

(Attachment)

Prompt Payment of Withheld Funds to Subcontractors

Federal regulation (49 CFR 26.29(b)) requires one of the following three methods be used in federal-aid contracts to ensure prompt and full payment of any retainage kept by the prime contractor or subcontractor to a subcontractor.

Please check the box of the method chosen by the local agency to ensure prompt and full payment of any retainage.

Method 1: No retainage will be held by the agency from progress payments due to the prime contractor. Prime contractors and subcontractors are prohibited from holding retainage from subcontractors. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating contractor or subcontractor to the penalties, sanctions, and other remedies specified in Section 7108.5 of the California Business and Professions Code and Section 10262 of the California Public Contract Code for construction contracts, and Section 3321 of the California Civil Code for consultant contracts. This requirement shall not be construed to limit or impair any contractual, administrative or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

Method 2: No retainage will be held by the agency from progress payments due to the prime contractor. Any retainage kept by the prime contractor or by a subcontractor must be paid in full to the earning subcontractor in seven (7) days for construction contracts and fifteen (15) days for consultant contracts after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating contractor or subcontractor to the penalties, sanctions, and remedies specified in Section 7108.5 of the California Business and Professions Code and Section 10262 of the California Public Contract Code for construction contracts, and Section 3321 of the California Civil Code for consultant contracts. This requirement shall not be construed to limit or impair any contractual, administrative or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

Method 3: The agency shall hold retainage from the prime contractor and shall make prompt and regular incremental acceptances of portions, as determined by the agency of the contract work and pay retainage to the prime contractor based on these acceptances. The prime contractor or subcontractor shall return all monies withheld in retention from all subcontractors within seven (7) days for construction contracts and fifteen (15) days for consultant contracts after receiving payment for work satisfactorily completed and accepted including incremental acceptances of portions of the contract work by the agency. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating prime contractor or subcontractor to the penalties, sanctions, and other remedies specified in Section 7108.5 of the California Business and Professions Code and Section 10262 of the California Public Contract Code for construction contracts, and Section 3321 of the California Civil Code for consultant contracts. This requirement shall not be construed to limit or impair any contractual, administrative or judicial remedies otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor; deficient subcontractor performance and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.